

Senate Chamber, Atlanta, Georgia  
Tuesday, January 11, 2005  
Second Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 4. By Senators Johnson of the 1st, Stephens of the 27th, Brown of the 26th and Balfour of the 9th:

To notify the Governor that the General Assembly has convened; and for other purposes.

The President Pro Tempore announced the appointment of the following Standing Committees for the 2005-2006 Term:

**AGRICULTURE AND CONSUMER AFFAIRS**

Chairman - Bulloch, 11th  
Vice-Chairman - Hudgens, 47th  
Secretary - Kemp, 46th

Goggans, 7th  
Henson, 41st  
Pearson, 51st

Powell, 23rd  
Walker, 22nd

**APPROPRIATIONS**

Chairman - Hill, Jack, 4th  
 Vice-Chairman - Williams, 19th  
 Secretary - Johnson, 1st

Balfour, 9th	Pearson, 51st
Bulloch, 11th	Seabaugh, 28th
Cagle, 49th	Seay, 34th
Fort, 39th	Smith, 52nd
Grant, 25th	Starr, 44th
Hamrick, 30th	Stephens, 27th - Ex-Officio
Harp, 29th	Tate, 38th
Hooks, 14th	Thomas, D., 54th
Kemp, 46th	Thomas, R., 2nd
Meyer von Bremen, 12th	Thompson, S., 33rd
Moody, 56th	Tolleson, 20th
Mullis, 53rd	Unterman, 45th

**BANKING AND FINANCIAL INSTITUTIONS**

Chairman - Hamrick, 30th  
 Vice-Chairman - Stephens, 27th  
 Secretary - Hudgens, 47th

Bulloch, 11th	Shafer, 48th
Cagle, 49th - Ex-Officio	Starr, 44th - Ex-Officio
Harbison, 15th	Thompson, S., 33rd
Miles, 43rd	Williams, 19th -Ex-Officio
Schaefer, 50th	

**ECONOMIC DEVELOPMENT**

Chairman - Mullis, 53rd  
 Vice-Chairman - Rogers, 21st  
 Secretary - Zamarripa, 36th

Brown, 26th	Schaefer, 50th
Carter, 13th	Stephens, 27th
Chance, 16th	Thompson, C., 5th
Hooks, 14th	Whitehead, 24th

**EDUCATION AND YOUTH**

Chairman - Moody, 56th  
Vice-Chairman - Carter, 13th  
Secretary - Thomas, D., 54th

Balfour, 9th	Starr, 44th
Douglas, 17th	Thomas, R., 2nd
Fort, 39th	Weber, 40th
Hill, Jack, 4th - Ex-Officio	

**ETHICS**

Chairman - Unterman, 45th  
Vice-Chairman - Smith, 52nd  
Secretary - Starr, 44th

Balfour, 9th	Moody, 56th
Brown, 26th	Reed, 35th
Hill, Jack, 4th	Schaefer, 50th
Johnson, 1st	Thomas, D., 54th
Meyer von Bremen, 12th	

**FINANCE**

Chairman - Cagle, 49th  
Vice-Chairman - Williams, 19th  
Secretary - Chance, 16th

Goggans, 7th	Rogers, 21st
Heath, 31st	Starr, 44th
Johnson, 1st	Thompson, S., 33rd
Jones, 10th	

**HEALTH AND HUMAN SERVICES**

Chairman - Thomas, D., 54th  
Vice-Chairman - Unterman, 45th  
Secretary - Goggans, 7th

Adelman, 42nd	Henson, 41st
Balfour, 9th	Hill, Judson, 32nd
Butler, 55th	Smith, 52nd
Grant, 25th	Tate, 38th

**HIGHER EDUCATION**

Chairman - Harp, 29th

Vice-Chairman - Kemp, 46th

Secretary - Staton, 18th

Chance, 16th

Golden, 8th

Reed, 35th

Thompson, C., 5th

Wiles, 37th

**INSURANCE AND LABOR**

Chairman - Hudgens, 47th

Vice-Chairman - Shafer, 48th

Secretary - Moody, 56th

Balfour, 9th - Ex-Officio

Brown, 26th

Chapman, 3rd

Golden, 8th

Harbison, 15th

Harp, 29th - Ex-Officio

Rogers, 21st

Stephens, 27th

Zamarripa, 36th

**INTERSTATE COOPERATION**

Chairman - Harbison, 15th

Vice-Chairman - Golden, 8th

Secretary - Jones, 10th

Powell, 23rd

Walker, 22nd

**JUDICIARY**

Chairman - Smith, 52nd

Vice-Chairman - Harp, 29th

Secretary - Hill, Judson, 32nd

Adelman, 42nd

Brown, 26th

Carter, 13th

Hamrick, 30th

Meyer von Bremen, 12th

Reed, 35th

Weber, 40th

Wiles, 37th

**NATURAL RESOURCES AND THE ENVIRONMENT**

Chairman - Tolleson, 20th  
Vice-Chairman - Bulloch, 11th  
Secretary - Hudgens, 47th

Cagle, 49th	Johnson, 1st - Ex-Officio
Chapman, 3rd	Meyer von Bremen, 12th
Henson, 41st	Starr, 44th
Hill, Jack, 4th	Weber, 40th
Hooks, 14th	Whitehead, 24th

**PUBLIC SAFETY AND HOMELAND SECURITY**

Chairman - Kemp, 46th  
Vice-Chairman - Mullis, 53rd  
Secretary - Chapman, 3rd

Butler, 55th	Seay, 34th
Carter, 13th	Tolleson, 20th
Miles, 43rd	

**REAPPORTIONMENT AND REDISTRICTING**

Chairman - Rogers, 21st  
Vice-Chairman - Smith, 52nd  
Secretary - Seabaugh, 28th

Brown, 26th	Moody, 56th
Chance, 16th	Shafer, 48th
Fort, 39th	Stephens, 27th
Harbison, 15th	Thomas, R., 2nd
Hudgens, 47th	Williams, 19th

**REGULATED INDUSTRIES & UTILITIES**

Chairman - Seabaugh, 28th  
Vice-Chairman - Johnson, 1st  
Secretary - Shafer, 48th

Butler, 55th	Pearson, 51st
Harbison, 15th	Stoner, 6th
Hill, Jack, 4th	Thomas, R., 2nd
Hill, Judson, 32nd	Williams, 19th

**RETIREMENT**

Chairman - Heath, 31st  
Vice-Chairman - Smith, 52nd  
Secretary - Schaefer, 50th

Fort, 39th	Stoner, 6th
Hill, Judson, 32nd	Tate, 38th
Hudgens, 47th - Ex-Officio	

**RULES**

Chairman - Balfour, 9th  
Vice-Chairman - Hamrick, 30th,  
Secretary - Seabaugh, 28th

Adelman, 42nd	Moody, 56th
Butler, 55th	Stephens, 27th
Hill, Jack, 4th	Thomas, D., 54th
Hooks, 14th	Unterman, 45th
Johnson, 1st	

**SCIENCE AND TECHNOLOGY**

Chairman - Shafer, 48th  
Vice-Chairman - Cagle, 49th  
Secretary - Heath, 31st

Douglas, 17th	Staton, 18th
Golden, 8th	Zamarripa, 36th
Powell, 23rd	

**SPECIAL JUDICIARY**

Chairman - Meyer von Bremen, 12th  
Vice-Chairman - Adelman, 42nd  
Secretary - Henson, 41st

Fort, 39th	Schaefer, 50th
Miles, 43rd	Stoner, 6th

**STATE AND LOCAL GOVERNMENTAL OPERATIONS**

Chairman - Wiles, 37th  
Vice-Chairman - Mullis, 53rd  
Secretary - Weber, 40th

Grant, 25th	Tate, 38th
Jones, 10th	Unterman, 44th - Ex-Officio
Reed, 35th	Whitehead, 24th

**STATE INSTITUTIONS AND PROPERTY**

Chairman - Thomas, R., 2nd  
Vice-Chairman - Grant, 25th  
Secretary - Seay, 34th

Miles, 43rd	Thompson, C., 5th
Powell, 23rd	Walker, 22nd
Stoner, 6th	Wiles, 37th

**TRANSPORTATION**

Chairman - Williams, 19th  
Vice-Chairman - Whitehead, 24th  
Secretary - Pearson, 51st

Chapman, 3rd	Seabaugh, 28th
Douglas, 17th	Seay, 34th
Goggans, 7th	Staton, 18th
Heath, 31st	Thompson, S., 33rd
Reed, 35th	Zamarripa, 36th

**VETERANS AND MILITARY AFFAIRS**

Chairman - Douglas, 17th  
Vice-Chairman - Tolleson, 20th  
Secretary - Staton, 18th

Brown, 26th	Jones, 10th
Chance, 16th	Thompson, C., 5th
Harbison, 15th - Ex-Officio	Walker, 22nd
Harp, 29th	

The following Senate legislation was introduced, read the first time and referred to committee:

- SB 1. By Senators Smith of the 52nd, Moody of the 56th, Stephens of the 27th, Hamrick of the 30th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article I of Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to the Department of Early Care and Learning, so as to state legislative findings; to provide that the department shall develop and implement a plan for effective parent and teacher practices for early learning by children and a variety of voluntary parent education services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 2. By Senators Hamrick of the 30th, Johnson of the 1st, Stephens of the 27th, Seabaugh of the 28th, Smith of the 52nd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 15 of the O.C.G.A., relating to trial juries, so as to provide the state and the accused with same number of peremptory challenges in misdemeanor, felony, and death penalty cases, and in challenging alternate jurors; to provide the manner in which peremptory challenges are made; to change the size of the jury panel in felony and death penalty cases; to provide the manner in which the number of alternative jurors is determined; to amend Code Section 17-8-4 of the O.C.G.A., relating to the procedure for trial of jointly indicted defendants and other matters relating to jointly indicted defendants, so as to provide the state with an equal number of additional peremptory challenges in trials for jointly indicted defendants; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 3. By Senators Smith of the 52nd, Johnson of the 1st, Seabaugh of the 28th, Stephens of the 27th, Hamrick of the 30th and others:

A BILL to be entitled an Act to amend Titles 9, 24, and 51 of the O.C.G.A., relating respectively to civil practice; evidence; and torts, so as to provide for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular; to provide for legislative findings; to change provisions relating to venue in actions with joint defendants; to change provisions relating to affidavits accompanying charges of professional



malpractice; to provide for defendants' access to plaintiffs' health information in medical malpractice cases; to provide for offers for judgment and the effect thereof; to provide that certain statements of apology or fault by health care providers shall not be admitted as evidence in civil actions; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 4. By Senators Seabaugh of the 28th, Williams of the 19th, Stephens of the 27th, Hamrick of the 30th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to the allocation of funds for public roads, so as to change the provisions regarding the balancing of federal and state funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

SB 5. By Senators Moody of the 56th, Johnson of the 1st, Stephens of the 27th, Balfour of the 9th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the comprehensive regulation of public-private infrastructure projects; to provide for a short title; to provide for definitions; to provide for legislative intent; to provide for contracting authority; to provide for procedures, conditions, and limitations with respect to approval of qualifying projects and selection of proposals; to provide for powers, duties, and responsibilities of project operators; to provide for default; to provide for remedies; to provide for property dedication; to provide for eminent domain; to provide for exercise of police powers; to provide for funding; to provide for exemptions from regulation; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

SB 7. By Senators Moody of the 56th, Hill of the 32nd, Shafer of the 48th and Johnson of the 1st:

A BILL to be entitled an Act to incorporate the City of Sandy Springs in Fulton County; to provide for a charter for the City of Sandy Springs; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such

city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, districts, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 8. By Senators Moody of the 56th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation of municipal corporations, so as to change the time in which certain minimum distance requirements apply; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Shafer,D
Balfour	Hill,Judson	Smith
Brown	Hooks	Staton
Bulloch	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tate
Carter	Kemp	Thomas,D
Chance	Me V Bremen	Thomas,R
Chapman	Miles	Thompson,C
Douglas	Moody	Thompson,S
Fort	Mullis	Tolleson
Goggans	Pearson	Unterman
Golden	Powell	Walker
Grant	Reed	Weber
Hamrick	Rogers	Whitehead
Harbison	Schaefer,N	Wiles
Heath	Seabaugh	Williams
Henson	Seay	Zamarripa

Not answering were Senators:

Harp

Starr

The members pledged allegiance to the flag.

Senator Starr of the 44th introduced the chaplain of the day, Reverend Milton Wood of Forrest Park, Georgia, who offered scripture reading and prayer.

Senator Staton of the 18th introduced the doctor of the day, Dr. Michael Greene.

The following resolution was read and put upon its adoption:

SR 13. By Senators Johnson of the 1st, Stephens of the 27th, Brown of the 26th and Balfour of the 9th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor; inviting the Justices of the Supreme Court and the Judges of the Court of Appeals to be present at the joint session; and for other purposes.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer,N	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 56, nays 0, and the resolution was adopted.

President appointed as a Committee of Escort on the part of the Senate the following Senators: Brown of the 26th, Stephens of the 27th, Seabaugh of the 28th, Reed of the 35th, Shafer of the 48th, Cagle of the 49th and Unterman of the 45th.

The following resolutions were read and adopted:

SR 6. By Senators Seabaugh of the 28th and Harp of the 29th:

A RESOLUTION commending police chiefs and other heads of law enforcement agencies in this state and observing a day of recognition; and for other purposes.

SR 7. By Senator Hill of the 4th:

A RESOLUTION recognizing and commending Herb Jones for his many years of outstanding public service; and for other purposes.

SR 8. By Senator Hill of the 4th:

A RESOLUTION recognizing and honoring Donnie Simmons for his many years of outstanding public service; and for other purposes.

SR 9. By Senators Kemp of the 46th and Hudgens of the 47th:

A RESOLUTION congratulating John William "Johnny" Pritchett on his election as Mayor of the Town of Bishop and commending him for his many years of excellent service; and for other purposes.

SR 10. By Senators Mullis of the 53rd, Smith of the 52nd, Goggans of the 7th, Schaefer of the 50th, Cagle of the 49th and others:

A RESOLUTION proclaiming January 11, 2005, as "Sportmen's Day at the Capitol"; and for other purposes.

SR 11. By Senators Moody of the 56th and Shafer of the 48th:

A RESOLUTION commending Joshua Wesley Dahl on becoming an Eagle Scout; and for other purposes.

SR 12. By Senators Kemp of the 46th and Hudgens of the 47th:

A RESOLUTION commending William E. "Bubber" Wilkes for his exemplary public service; and for other purposes.

SR 14. By Senators Smith of the 52nd, Hill of the 32nd, Mullis of the 53rd, Hudgens of the 47th, Tolleson of the 20th and others:

A RESOLUTION expressing the sympathy for the victims of the powerful earthquake and devastating tsunami that struck Bangladesh, Burma, India, Indonesia, Kenya, Malaysia, the Maldives, the Seychelles, Somalia, Sri Lanka, Tanzania, Thailand, and other areas of Southeast Asia, South Asia, and Africa on December 26, 2004; and for other purposes.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 13. By Senators Johnson of the 1st, Stephens of the 27th, Brown of the 26th and Balfour of the 9th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor; inviting the Justices of the Supreme Court and the Judges of the Court of Appeals to be present at the joint session; and for other purposes.

The Speaker has appointed as a Committee of Escort on the part of the House the following members:

Representatives Golick of the 34th, Hatfield of the 177th, O'Neal of the 146th, Roberts of the 154th, Royal of the 171st, Sheldon of the 105th, and Talton of the 145th.

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Tuesday, January 11, 2005.

The motion prevailed, and the President announced the Senate adjourned at 10:44 a.m.